

Notice of Allowability

Application No.

09/822,868

Examiner

Felix E Suarez

Applicant(s)

TRACY ET AL.

Art Unit

2857



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to RCE filed 15 Aug. 2003 and RCE filed 17 Dec. 2003.
2. ☒ The allowed claim(s) is/are 1-86.
3. ☒ The drawings filed on 09/27/2004 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 17Dec.03; 22Sep.04
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

DETAILED ACTION

Allowable Subject Matter

1. Claims 1-86, are allowable.
2. The following is a statement of reasons for the indication of allowable subject matter:

Claims 1-86 are allowable because the prior art, particularly Ginter et al. [U.S. Patent No. 6,389,402] (hereafter Ginter), Kopdosky et al. [U.S. Patent No. 6,219,628] (hereafter Kopdosky) and Testa et al. [U.S. Patent No. 6,205,407] (hereafter Testa) fail to teach or suggest a computer-assisted method (or a computing system or a computer program medium) of generating at least one test procedure for a target system having at least one device capable of being identified, each of the at least one device having hardware and/or software, method (system or computer program medium) comprising the steps of:

for each of at least one platform category, determining which of one or more test procedures will be used to test hardware and/or software associated with at least one platform category based on a mapping between the test procedures and the at least one predefined standard, regulation and/or requirement; and

generating one or more test procedures as determined in step before for each platform category.

Ginter, Kopdosky and Testa also fail to teach or suggest a system for generating at least one test procedure for a target system having at least one device capable of being identified, each of the at least one device having hardware and/or software, said system comprising:

decision logic for determining which of zero, one or more test procedures will be used to test each of the at least one platform category based on a mapping between the test procedures and the at least one predefined standard, regulation and/or requirement.

Ginter, Kopdosky and Testa also fail to teach or suggest a system (or a computer-assisted method) for generating at least one test procedure for a target system comprising at least one device, each of the at least one device comprising a combination of hardware and software, said system comprising:

for each of said at least one platform category, means for determining which of one or more test procedures will be used to test hardware and/or software associated with said at least one platform category based on a mapping between the test procedures and the at least one predefined standard, regulation and/or requirement; nor

generating one or more test procedures as determined for each platform category.

Art Unit: 2857

Conclusion

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Felix Suarez, whose telephone number is (571) 272-2223. The examiner can normally be reached on weekdays from 8:30 a.m. to 5:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marc Hoff can be reached on (571) 272-2216. The fax phone numbers for the organization where this application or proceeding is assigned is 703-872-9306 for regular communications and for After Final communications.

DONALD E. McELHENY, JR.
PRIMARY EXAMINER

September 28, 2004

F.S.

